

LIMITED-PURPOSE AQUACULTURE (LPA) LICENSES - SUMMARY

Authority: Statute: 12 M.R.S. § 6072-C DMR Rule: Chapter 2.90

- One-year, renewable license for micro-scale aquaculture sites limited to 400 sq. ft. for designated species and types of gear
- Primarily used to grow shellfish; green sea urchins and marine algae are also authorized
- Gear may be deployed in the water or on the bottom; shellfish may be free-planted on bottom.
- U.S. Army Corps of Engineers permit is required, as well as DMR License. Army Corps conducts parallel review of application with other federal agencies.

Criteria for issuance (12 MRS § 6072-C (2)) (Chapter 2.90 contains numerous detailed requirements based on these statutory criteria)

- No discharge (i.e., no substances added to the water, such as feed)
- Gear and markings comply with DMR rule
- Gear (excluding mooring equipment) does not cover more than 400 sq. ft. and **does not present an unreasonable impediment to safe navigation**
- The proposed activity **does not unreasonably interfere with the ingress and egress of riparian owners**
- The proposed activity **does not unreasonably interfere with fishing or other uses of the area**, taking into consideration the number and density of aquaculture leases and licensed aquaculture activities in that area
- The applicant holds no more than 3 other LPA licenses
- The consent of the riparian landowner is obtained if the proposed activity is located above the mean low-water mark.

“Permit-by-Rule” Process

- Applicant sends copy of application to shorefront landowners (riparians) within 300 ft. of site before the application is submitted to DMR; comments to DMR within 14 days of receipt.
- Municipal harbormaster or other elected official must sign application form to verify her/his opinion “that the license activities will not unreasonably impede safe navigation, will not unreasonably interfere with fishing or other uses of the area, and will not unreasonably interfere with riparian ingress and egress.” If municipal signature is withheld without basis, DMR may have a Marine Patrol Officer review the application, instead (Chapter 2.90 (2) (D) (4)).
- DMR reviews application for compliance with rule, considers any riparian or municipal concerns in light of the criteria for issuance. Chapter 2.90 contains many detailed requirements; LPA sites are prohibited in areas designated Essential Habitats for endangered species by the Maine Department of Inland Fisheries and Wildlife.
- If the application meets the criteria and all the legal requirements, the license is issued. The municipality and harbormaster are notified and sent copies of license and decision.
- Comments from municipality are solicited when license is proposed for renewal, but the Department responds to concerns about LPA operations that are expressed at any time.